



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No.: EMha11110729

[REDACTED],
Complainant,

vs.

ADMIRAL PETROLEUM,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred. 910 IAC 1-3-2(b)

On November 4, 2011, [REDACTED] ("Complainant") filed a complaint with the Commission against Admiral Petroleum ("Respondent") alleging discrimination on the basis of disability, in violation of the Indiana Civil Rights Law (IC 22-9, et seq) [REDACTED]

[REDACTED]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was denied a reasonable accommodation for her disability. In order to prevail, Complainant must show that: (1) she had an impairment that substantially limits a major life activity; (2) she needed an accommodation in order to perform the essential functions of her job; (3) Respondent was aware of the needed accommodation and (4) Respondent denied or unreasonably delayed the accommodation without showing an undue burden.

For purposes of this analysis it will be presumed that Complainant had an impairment that substantially limited a major life activity. Due to this medical condition, Complainant was restricted to working less than 53 hours per week. Respondent was notified of her need for this accommodation by a note from her doctor dated October 17, 2011. Respondent refused to grant this accommodation, stating that such a restriction would be a "liability" for the company should Complainant need to work more than 53 hours. Complainant was therefore demoted to assistant manager, resulting in the loss of her health insurance coverage. Respondent has not demonstrated that restricting Complainant's hours as manager to 53 per week would present an undue burden on the operations of its business. The record indicates that Complainant normally worked only 50 hours per week. It is reasonable to believe that the manager's essential functions could be completed in less than 53 hours per week.



Based upon the above findings, probable cause exists to believe that an unlawful discriminatory practice may have occurred. A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. IC 22-9-1-18, 910 IAC 1-3-5 The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

May 23, 2012

Date

Joshua S. Brewster, Esq.,
Deputy Director
Indiana Civil Rights Commission

SERVICE LIST